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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/305,622

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NORRIS

J

4284-5B1

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EXAMINER

TEITELBAUM, A

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

10/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/305,622

Applicant(s)
Norris

Examiner
Anne Teitelbaum

Group Art Unit
2765



☒ Responsive to communication(s) filed on May 5, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 21-64 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 21-64 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2765

DETAILED ACTION

1. Claims 21-64 have been examined.

Specification

2. The disclosure is objected to because of the following informalities: On page 11, line 10 the monitor is referenced with number 40, yet the drawings have the monitor labeled with reference number 50.

Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 21, 39, 55, 57, 59 and 62 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No.

Art Unit: 2765

5,940,811. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 21, 39, 55, 57, 59 and 62 are taught in the issued patent with only obvious variations.

Regarding claims 21, 39, 55, 57, 59 and 62 and claim 8 of the patent, all the limitations set forth in claims 21, 39, 55, 57, 59 and 62 are found in claim 8 of the patent as indicated below:

“a remote interface adapted to . . .

. . . requested account was approved”

The claims differ in the application of the claimed invention. Claims 21, 39, 55, 57, 59 and 62 of the application claim the processing system for establishing a financial account, whereas claim 8 of the patent claims the same method for a loan processing system. It would be obvious to a person of ordinary skill in the art at the time of applicant's invention to apply the method of transferring information and money claimed in claim 8 of the patent to the specific transaction of establishing a financial account since both are methods of transferring money between two entities and therefore provides the customer with additional financial functions. More specifically for a credit account processing system in claims 39, 57 and 62.

5. Claims 23 and 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 5,940,811. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 23 and 27 are taught in the issued patent with only obvious variations.

Art Unit: 2765

Regarding claim 23 and claim 4 of the patent, all the limitations set forth in claim 23 are found in claim 4 of the patent as indicated below:

a funds transfer to an account at the financial institution.

Regarding claim 27 and claim 4 of the patent, all the limitations set forth in claim 27 are found in claim 4 of the patent as indicated below:

a funds transfer to an account at the financial institution from another account (claim 4 of the patent shows the other account as the applicant's account).

6. Claims 24 and 43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 6 of U.S. Patent No. 5,940,811. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 24 and 43 are taught in the issued patent with only obvious variations.

Regarding claim 24 and claims 3 and 6 of the patent, all the limitations set forth in claim 24 are found in claims 3 and 6 of the patent as indicated below:

a remote interface and data processing system cooperating to identify a source for the funds to transfer to the account and an amount of funds to transfer.

Art Unit: 2765

Regarding claim 43 and claim 3 of the patent, all of the limitations set forth in claim 43 are found in claim 3 of the patent as indicated below:

funds transfer to an account at a financial institution from the approved credit account.

Claims 24 and 43 differ in the application of the claimed invention. They claim a funds transfer system for a financial account processing system, where as claims 3 and 6 of the patent, claim the same funds transfer method for a loan processing system. It would be obvious to one of ordinary skill in the art at the time of applicant's invention to apply the method of transferring money claimed in claims 3 and 6 of the patent to the specific transaction of establishing a financial account in order to provide the customer with additional financial functions.

7. Claims 29, 45, 56, 58, 60 and 63 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 (d iv-v) of U.S. Patent No. 5,940,811. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 29, 45, 56, 58, 60 and 63 are taught in the issued patent with only obvious variations.

Regarding claims 29, 45, 56, 58, 60 and 63 and claim 8 of the patent, all the limitations set forth in claims 29, 45, 56, 58, 60 and 63 are found in claim 8 of the patent as indicated below:

“provide a score based on . . .

. . . approve the account request based on the score”

Art Unit: 2765

The claims differ in the application of the claimed invention. Claims 29, 45, 56, 58, 60 and 63 of the application claim a weighted score system for the financial account processing system, where as claim 8 of the patent claims the same scoring method for a loan processing system. It would be obvious to one of ordinary skill in the art that a weighted scoring system would provide the claimed account processing system with the same benefits that it provides the patented loan processing system, since both are methods of transferring money between two entities. The weighted scoring system provides a quick, simple and efficient way to assess the ability and willingness of the applicant to repay the borrowed or credited money. More specifically, for a credit account processing system for claims 45, 58 and 63.

8. Claims 31, 34, 46 and 49 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 5,940,811. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 31, 34, 46 and 49 are taught in the issued patent with only obvious variations.

Regarding claims 31, 34, 46 and 49 and claim 6 of the patent, all the limitations set forth in claims 31, 34, 46 and 49 are found in claim 6 of the patent as indicated below:

an automatic account processing system that contains a printer located at the remote interface for printing checks that can cooperate with the remote interface to print items of an approved amount associated with the account.

Art Unit: 2765

9. Claims 36 and 50 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 5,940,811. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 36 and 50 are taught in the issued patent with only obvious variations.

Regarding claims 36 and 50 and claim 5 of the patent, all the limitations set forth in claim 36 and 50 are found in claim 5 of the patent as indicated below:

the remote interface in a public kiosk.

10. Claims 28 and 44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 5,940,811. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 28 and 44 are taught in the issued patent with only obvious variations.

Regarding claims 28 and 44 and claim 2 of the patent, all the limitations set forth in claims 28 and 44 are found in claim 2 of the patent as indicated below:

printing financial documentation

The claims differ in the application of the claimed invention. Claims 28 and 44 of the application claim the financial documentation as credit documentation in the form of transaction cards, where as claim 2 of the patent claims printing of loan documentation. It would be obvious to a person of ordinary skill in the art at the time of applicant's invention that it is necessary to

Art Unit: 2765

print financial documentation for the applicant to have proof of their loan or credit with a financial institution for easy accessibility to their account and for security measures.

11. Claims 22, 25-26 (53-54), 30, 32-33(47-48), 35, 37-38 (51-52), 40-42, 61, 64 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-8 of U.S. Patent No. 5,940,811. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of the above listed claims are taught in the issued patent with only obvious variations.

Regarding claims 22 and 40 of the application, official notice is taken that it is old and well known in the computer art that once approval is assigned an account can be opened at a financial institution. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that the system should open an account once approval has been ascertained to give the applicant the benefit of quick and easy service to their "product".

Regarding claims 25 and 53 of the application, official notice is taken that it is old and well known in the computer art that the system should be configured to receive funds from the applicant and the processing system is adapted to receive information relating to the funds and to transfer to the account an amount corresponding to the funds. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention that if something is sent to the financial institution (see claims 23-24) that it must be received at the other end in order for

Art Unit: 2765

the account information to be processed or money to be transferred. Also, claim 4 of the patent discloses a transfer of an approved amount of funds.

Regarding claims 26 and 54 of the application, official notice is taken that it is old and well known in the computer art that an interface can consist of a cash acceptor, card reader or scanner to receive the funds. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that a cash acceptor, card reader or scanner are necessary hardware to read in essential information relevant to the processing of the credit application. Also, claim 5 of the patent discloses that the kiosk contains data input means.

Regarding claim 30 of the application, official notice is taken that it is old and well known in the computer art that checking account, savings account, retirement account, interest bearing, non-interest bearing account and credit account are different types of accounts. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that more account options are more appealing and useful to the user. The above listed account are commonly used financial accounts.

Regarding claims 32 and 47 of the application, official notice is taken that it is old and well known in the computer art that a blank check is an obvious negotiable instrument associated with the account that can be printed. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that a blank check will allow the applicant the advantage of immediate utilization of their account. Since it has already been determined that

Art Unit: 2765

the kiosk will contain a printer, a blank check is one of many commonly known printable instruments that is associated with the account.

Regarding claims 33 and 48 of the application, official notice is taken that it is old and well known in the computer art that a cashier's check having a select value is an obvious negotiable instrument associated with the account that can be printed. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that a cashier's check having a select value will allow the applicant the advantage of immediate utilization of their account. Since it has already been determined that the kiosk will contain a printer, a cashier's check is one of many commonly known printable instruments that is associated with the account.

Regarding claim 35 of the application, official notice is taken that it is old and well known in the computer art that ordering checks through a kiosk is a commonly known practice with financial terminals. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to add the capabilities of ordering negotiable instruments, for example a check, to a financial kiosk to gain the advantage of convenience by having all of a user's financial tasks in one location that is easy to use.

Regarding claims 37 and 51 of the application, official notice is taken that it is old and well known in the computer art that an electronic signature pad can receive the applicant's signature to indicate acceptance of a financial transaction. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that a signature pad is an

Art Unit: 2765

easy, fast and efficient security measure to finalize and confirm the transaction that would make the account authorization immediate.

Regarding claims 38 and 52 of the application, official notice is taken that it is old and well known in the computer art that an interface can include input devices such as touch screens, input keys, keypads, card reader, scanner and signature pad. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that any one of the above listed input devices are necessary in this kiosk system for the user to communicate his/her information to the system. The input devices mentioned are commonly used for their simplicity and efficiency.

Regarding claim 41 of the application, official notice is taken that it is old and well known in the computer art that credit card account is a type of credit account. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that a credit card account is a preferable credit system because of its convenience, ease and functionality.

Regarding claim 42 of the application, official notice is taken that it is old and well known in the computer art to base loan approval on past applicant information. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to utilize credit account information because it is indicative of a person's willingness and ability to repay a loan. Also, credit account information is easily and quickly accessible to further promote the immediate service advantage of this system.

Art Unit: 2765

Regarding claim 61 of the application, official notice is taken that it is old and well known in the computer art that smart, debit, and credit cards are types of transaction cards. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that any of the above listed transaction cards are helpful to carry account information and to make transactions. Any of the above listed cards are commonly used for their simplicity, ease and accessibility.

Regarding claim 64 of the application, official notice is taken that it is old and well known in the computer art that if an increase in credit is approved that an increase in credit can be adapted to an existing account. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention that creating options to allow for modifications in the account are beneficial in their appeal to the customer by creating ease and convenience in handling simple financial transactions.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Savar (U.S. Patent No. 4,727,243) teaches a financial transaction system with automated terminals to enter data and access to databases for verification.

- Yukiura et al (U.S. Patent No. 4,794,530) teach a credit settlement and ticketing terminal system with input devices and processing capabilities.

Art Unit: 2765

- Gorog (U.S. Patent No.4,947,028) teach an automated order and payment system with scanning and other data entry means.

- Nagata et al (U.S. Patent No.4,594,663) teach a credit transaction processing system that processes data.

- Dykstra et al (U.S. Patent No.5,611,052) teach a lender direct credit evaluation and loan processing system.

- Kight et al (U.S. Patent No.5,383,113) teach system and method for electronically providing customer services including payment of bills, financial analysis and loans.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Teitelbaum whose telephone number is (703) 306-5679. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached on (703) 305-9708.

The fax number for formal or official faxes to Technology Center 2700 is (703) 308-9051. Draft or informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-9000.


ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER